JUSTICE
AND
THE GOOD LIFE

by

RONALD DWORKIN

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The E. H. Lindley Memorial Lectureship Fund was established in 1941 in memory of Ernest H. Lindley, Chancellor of the University of Kansas from 1920 to 1939. In February 1941 Mr. Roy Roberts, the chairman of the committee in charge, suggested in the *Graduate Magazine* that

> the Chancellor should invite to the University for a lecture or a series of lectures, some outstanding national or world figure to speak on "Values of Living"—just as the late Chancellor proposed to do in his courses "The Human Situation" and "Plan for Living."

In the following June Mr. Roberts circulated a letter on behalf of the Committee, proposing in somewhat broader terms that

> The income from this fund should be spent in a quest of social betterment by bringing to the University each year outstanding world leaders for a lecture or series of lectures, yet with a design so broad in its outline that in the years to come, if it is deemed wise, this living memorial could take some more desirable form.

The fund was allowed to accumulate until 1954, when Professor Richard McKeon lectured on "Human Rights and International Relations." The next lecture was given in 1959 by Professor Everett C. Hughes, and has been published by the University of Kansas School of Law as part of his book *Students' Culture and Perspectives: Lectures on Medical and General Education.* The selection of lecturers for the Lindley series has since been delegated to the Department of Philosophy.

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Justice and the Good Life

Ronald Dworkin

1. Introduction

We want better lives for ourselves, and for our family and friends. We also want to live in a just society. What is the connection between these two goals? In this lecture I discuss the importance of that question for both political practice and political theory. It is a standard assumption of political philosophy, including liberal theory, that redistributive programs impose losses or sacrifices on the part of those who must pay higher taxes. Liberals regard those sacrifices as reasonable; indeed they believe that justice requires greater equality *because* such sacrifices are reasonable. But in contemporry politics the electorate often reaches the opposite conclusion: that is *un*reasonable to ask the majority to make the sacrifices that further redistribution would now require. It might therefore be wise to re-examine the assumption that measures aimed at greater justice involve genuine sacrifices for those who lose financially. If we reject that view of the connection between well-being and justice, I shall argue, we undercut the standard liberal arguments for greater equality. But we also undercut the most powerful contemporary arguments against it. I shall not be able to begin any substantial discussion of the different kind of political argument that must then be made either for or against economic equality, though the general character of the argument I think is needed may emerge.[1]

2. Contemporary Politics

I just described an argument for greater economic equality: though greater equality means less resources for some people, and so a sacrifice for them compared to the *status quo,* it would be unreasonable for them to refuse to make that sacrifice. This argument uses what we might call the comparative-sacrifice test of what justice requires: we compare the welfare sacrifices people at different economic levels make in accepting one general economic arrangement rather than another, and we ask which sacrifices, all things considered, seem most reasonable to ask and unreasonable to refuse. Thomas Scanlon's account of contractualism makes judgments about the reasonableness of different kinds of sacrifice central. An economic structure, he says, is just if it cannot reasonably be rejected by people anxious to reach an unforced and informed agreement. Thomas Nagel proposes a similar exercise, but he emphasizes the

limits as well as the strength of this kind of argument in the service of equality. He believes that it would not be unreasonable of the rich in Western societies to refuse to accept John Rawls' difference principle, which requires that economic arrangements be in the best interests of the worst off group, if that principle were applied across nations to require mammoth transfers to underdeveloped countries. But Nagel does think it is unreasonable of well-off people in America and Britain not to try to satisfy the difference principle in their own communities. They are unreasonable, he thinks, not to accept sacrifices in the form of substantially higher taxes in order to make the situation of the poor as good as it can be.

There is an historical basis for this appeal to reasonableness in the service of equality. Reason and the reasonable played an important role in the genesis and appeal of liberal ideals. In the 18th century liberalism was a radical philosophy whose target was clearly marked. The enemy of the liberal spirit was privilege: of person and birth, of creed and nation. As liberalism matured into a coherent and general political attitude, it denied privilege in one sphere after another. First title and rank, then race and sex and personal moral conviction, and finally merit or talent or contribution, became for liberals illegitimate grounds of entitlement or preference.

Liberalism offered a competing picture of how people should be thought to be associated in civil society: not divided by lines of privilege or caste or ability, but inherently equal in worth and dignity. Liberal statesmen and politicians designed political structures and institutions fit for people who conceived themselves that way. They said that these were the institutions that would be chosen by reasonable people of good will, who treated each other as equals and who were anxious to live together in mutual and reasonable accommodation, none stubbornly insisting on his own interests or values, all sensitive to the interests and values of others.

For centuries that way of understanding politics encouraged tolerance and promoted dissatisfaction with inequality. If privilege of faith or conviction is rejected, if people are equal in dignity and worth, then it is unreasonable, because arbitrary, that one religion should be established and others forbidden. If privilege of all others sorts is denied, then it is equally unreasonable, because arbitrary, that a large working class should labor for only a small share of the surplus most of which is consumed by the capital-owning and managerial few, who are no more entitled to it than anyone else.

Today, however, the enemy of liberal equality is not privilege but

number, and reasonableness is a two-edged sword. The public argument for criminalizing homosexuality, for example, is publicly based not on any claim that homosexuals are evil or less worthy of public concern, but rather on the very different and more complex argument that the majority is entitled to construct the moral environment it prefers. Arguments against greater equality have changed in a parallel way. The recent debate in the United States over tax policy is instructive. Conservatives who oppose higher taxes for redistribution no longer claim privilege for the rich, as conservatives once claimed for nobility. They no longer claim even that the rich are entitled to keep what they earn in the market because they have greater merit or talent at making money, or even because they have contributed more to the economy. Indeed, privilege of birth or class has played next to no part in national politics for many decades. The entitlement of talent remains a somewhat more lively idea, but its force in politics is actually very small, even in Britain where Margaret Thatcher did her best to revive it.

Conservatism is now consequentialist. Arguments about privilege have been replaced by appeals to economic indicators. Republican presidents argue that welfare and other redistributive programs are bad for most people, that they are inflationary and destructive of the nation's power to compete in the economy of the world. They argue for lower taxes not on the principle that taxation is theft, or that the rich deserve to keep the fruits of their talents, but on the ground that incentives will lead the rich to work harder or invest more. Republicans also point out, to even greater political effect, that any serious redistribution of wealth would require substantially greater taxation not only of the rich, who collectively have too little money to matter, but of the middle and working classes, that is, of the great majority. Redistribution, they claim, would mean considerable sacrifice by the many for the sake of relatively few.

It is not immediately or evidently clear that a conversation among reasonable people who accepted these economic claims would settle on further redistribution of wealth. I do not mean the opposite: that they would agree that redistribution is unreasonable. But just that the idea of reasonableness, whose force is most evident as an antidote to privilege, has no independent power to influence an economic decision one way or the other when that decision balances losses for large numbers against gains for fewer people lower down. The contrast between the reasonable and the arbitrary no longer seems pertinent and neither view—that redistribution is reasonable or that it is unreasonable—seems the inevitable result of sensible people of good will reasoning together.

Nor do I mean that philosophical utilitarianism is a reasonable doctrine, or that liberal philosophers like Scanlon and Nagel and Rawls have no effective arguments against it. I am not discussing whether gains to the majority could reasonably be thought to justify extreme suffering to a minority, or denial of fundamental human rights, or anything of comparable drama or horror. The question is whether someone who is reasonable, in the ordinary and familiar sense of that idea, could resist the claim that the great majority of Americans should now make greater sacrifices to raise the living standards of the relatively few at the bottom above a decent minimum. I myself think the majority should accept greater taxes, and no doubt many of you do too. But I cannot think that this follows from some independent ideal of reasonable behavior, or that those who disagree are unreasonable people.

That fact is reflected, I think, in the unease several liberal philosophers now feel about whether Rawls' difference principle is the right formulation of liberal equality after all. That principle now strikes many who accept the sacrifice view of justice as too strict: it seems not reasonable but unreasonable that justice should be sensitive only to the question whether those who gain from some political program are at the economic bottom, and wholly insensitive to the question of how much people who are further up the ladder lose or gain, either collectively or individually. But it is not plain how we could construct any more complex principle to decide, in some general and constitutional way, which sacrifices are reasonable or unreasonable once all the facts the difference principle screens out are re-admitted. If liberal philosophers can supply only a vague and commodious principle, which instructs us to judge the reasonableness of a particular political decision all things considered case by case, then it will prove even harder to convince citizens that reasonableness in fact requires the kind of sacrifice that conservative politicians assure them, in a more welcome way, it is perfectly reasonable of them to reject.

3. The Independence Thesis

The comparative-sacrifice test of justice plainly presupposes some view about the connection between well-being and justice. But which one? One popular view, which I shall call the independence thesis, provides a natural answer. According to the independence thesis, our desire for good lives for ourselves and our desire for a just society are distinct aims: how good someone's life is for him can be judged independently of any opinion about the justice or injustice of the social

and political arrangements in which his life is lived. Suppose I am rich, and therefore have a large and beautiful house, an interesting job and enticing vacations. Whether my life is therefore a good one may be debatable; but according to the independence view the answer is not affected by whether the society in which I acquired my wealth is just or unjust. Suppose I want very much to live in a just society, and that I am willing to sacrifice my wealth to achieve it. That means, according to this thesis, that I am not self-centered, that I care about more than my own life, that I have other-regarding as well as self-regarding desires. But it does not mean that my own life goes better, that my self-regarding desires are better satisfied, when my wealth is halved by the redistributive taxes I spent my life working to enact. On the contrary, my own life would be much less good in that case: that is why what I have done should be regarded as a sacrifice.

The independence view assumes a particular moral psychology, which might be described using Rawls's account of the public conception of the self. He says that people have two moral capacities: they have the ability to design and revise conceptions of the good life for themselves, and they have the ability to develop and apply a sense of justice. The independence thesis insists that only the first of these capacities is pertinent to someone's own good or well-being. It insists that someone who wants justice even at the cost to his other interests is sacrificing his own good rather than redefining it. So a rich person who accepts redistributive taxation is indeed accepting a sacrifice, though it does not automatically follow that the sacrifice is unreasonable or should not be demanded. The independence thesis is therefore a natural companion to the comparative-sacrifice test for justice, because the latter logically requires that the sacrifice someone makes, in accepting a particular change in his circumstances, be measured without reference to the justice of the change, and the former guarantees that this can be done.

But the independence view is far from evidently the right view about the connection between welfare and justice: it can be challenged in a variety of ways. We should now consider, therefore, how it might be challenged in such a way as also to challenge the assumption at the heart of the modern debate about justice: that people who pay more taxes in the interests of justice suffer or sacrifice in their own lives. We do not challenge the independence view, of course, simply by pointing out what it concedes: that many people actually want to live in a just society, and would be willing to make sacrifices to achieve that goal. We need an account that rejects the independence thesis by bringing justice *into* well-

being in some way. We might follow either of two strategies in trying to construct such an account: we might try to show that justice is a *component* or part of well-being, or we might try to show a different and more fundamental connection between the two: that justice is in some way or to some degree a *condition* of well-being.

The former proposal, that justice is a component of well-being, is easier to understand or at least to state than the latter, though it is more complex than it might first appear. In fact I shall state the component proposal in two forms or versions. The first counts justice as one among many components of a good life, none of which is inherently privileged against the others. Many people do take that view: they consider living in a just society to be among the things that make for a good life. All else equal, that is, they would rather that their society be a just one, for their own sake as well as for the sake of others. Of course people who have that taste also want other things: comfortable, attractive homes, fast, safe automobiles, and extended and interesting vacations, for example. They may find these various preferences in conflict, as desires often are when resources are scarce. Just as they might have to balance their desires for fast cars against their taste for collecting paintings, to decide which is in the end more important to them, so they might have to balance all their other wishes against their desire to live in a just society in order to decide whether they really would be worse off, on balance, if taxes were higher.

This is not an implausible account of how some people think about their own welfare: they would accept that living in a reasonably just community is an important aspect of their well-being. It is another question, of course, how many people take that view, or could be persuaded to it. We need not speculate about that, however, because this general account of how justice affects welfare, which treats the first as an aspect or component of the second, is in any case not adequate to the purpose I described. It does not require revising the view that people who pay more taxes to improve equality are making a sacrifice that might be thought unreasonable.

Suppose the general public in America were indeed convinced that living in a just community makes an important contribution to their own welfare. They would still need some way to decide whether justice really does require greater equality. They might plausibly think that this depends on whether the sacrifices they and others would make in accepting egalitarian programs would be reasonable, judged in terms of the loss they would suffer in the other, material, components of their well-being, judged, that is, *prescinding* from any question of the value of

justice itself. They would bracket the question of the contribution justice itself makes to people's well-being and then consider whether the material sacrifice required by egalitarian policies would be, all things considered, reasonable. If it seemed to most people, as I fear it might, that the sacrifices were not reasonable, then they would take fresh and renewed pleasure in the present arrangement. It works not only to their financial advantage, they would think, but makes a further contribution to their welfare in virtue of the fact that it is a just arrangement as well.

I do not intend irony. People who believe that justice contributes to their well-being, as a component in the way we are now considering, would be right to bracket that contribution when they are thinking about which arrangements are actually just. For even though they agree that they have a common interest in achieving a just society, they know that they can have antagonistic interests in almost everything else, and it seems natural to debate about which economic institutions are just by considering how different institutions would resolve those remaining conflicting interests. If redistribution in the direction of equality would involve substantial sacrifices for a great many people in those other interests, and gains for only a relatively few, then there is no evident reason why that is reasonable, and so no evident reason why greater equality would be a gain in justice.

So the first form of the component strategy, which makes justice just one component of well-being among others, is a poor one for our purposes. Now we must consider the second form of the component strategy, which takes justice to be not just one component of well-being among others, but a dominant or regulative component. The best example is found in Rawls's discussion of the good in part III of *A Theory of Justice*. He argues that justice and self-interest are congruent because it is part of people's good to realize *both* their highest-order capacities, which, as I said, consist in a capacity to frame, revise and follow a conception of the good, and a capacity for justice, that is, to act upon regulative principles of right. That is very different from the independence thesis, which insists that people who defer to a sense of justice, because they want to live in a just society, are acting against rather than in their own interests. People who accept the Rawlsian account of their own good or well-being, and who are members of what he calls a well-ordered community, will not be tempted to think that they might be even better off if the community became unjust in a way that provided more goods for them. So the question I set aside in considering the simpler version of the component strategy—how many people are likely to count justice sufficiently important to outweigh a substantial loss in other

resources—does not arise if we assume that people accept this stronger form of the component claim.

But the other difficulties I identified remain, and in just as striking a form. For even people who accept Rawls's account of their higher-order capacities, and of the way both capacities figure in their well-being, need some way of deciding which distributions are just, and they have no reason not to think that this is a matter of which sacrifices in primary goods, on the part of those who could have more under some other economic arrangement, are reasonable all things considered. They have no reason, that is, not to prescind from questions of justice in making that calculation. That explains why they are free to judge what is reasonable through the device of Rawls's original position. The parties in that position do not take their good to be a matter of exercising higher-order capacities in the right way; on the contrary they accept the independence thesis, in the shape of what Rawls calls a thin theory of the good. The thin theory assumes that it is in each person's interest to have as many primary goods as possible, and that this is not affected by the justice or injustice of the distribution that assigns him more. The principles that people who have that independence view of their own well-being would choose, Rawls says, are the principles of justice that you and I, in spite of the fact that we ourselves reject the independence view, should follow in exercising our capacity for justice. So if you and I are dissatisfied with Rawls's claim that people with the full-independence view, acting behind the veil of ignorance, would choose his difference principle, or any principle very close in spirit to it, then we have no reason to accept that justice requires substantial sacrifices for greater equality. We have no reason even though we reject their view of the connection between justice and well-being and accept Rawls's own, very different, congruence view.

The key point is this. We are seeking an account of the connection between justice and well-being that will weaken the claim that further advances toward equality involve sacrifices on the part of the majority. We can weaken that claim either by displacing the comparative-sacrifice test altogether or altering its results. But neither form of the component theory has either of these consequences. If we would not think it unreasonable to refuse greater equality if we accepted the independence thesis, then we would not think it unreasonable if we held that justice is a component of well-being, whether in the simpler form, which holds that justice is one among many different things people desire, or in the stronger form which insists that justice is a higher- or highest-order good. We must therefore explore the other possibility I mentioned: that

justice is not any kind of component of well-being, but in some way a background condition of the various experiences or achievements that are part of well-being having the full value that they might.

I shall not consider the strongest form that claim might take: that other components of well-being, like large homes, interesting work and travel, are worthless unless the community in which these are enjoyed is a fully just one. I shall describe and try to illustrate a more moderate form of the claim; that the force of these goods, as contributions to an overall good life, is diminished in an unjust community so that they do not have the value they would have in just conditions. Suppose we came to accept that view of how justice affects well-being. Then we could not prescind from justice in assessing our well-being in the way we can when we regard justice as only a component of our welfare. For we would then have no way to identify or measure or compare sacrifices without making assumptions about justice. It is far from clear how we could think about justice if we accepted this more radical view about the way in which justice affects well-being. But it is at least clear that we could no longer use the comparative-sacrifice style of argument, because we would not then assume that people's interests were, even apart from their common interest in justice, divergent and antagonistic. We could no longer think of justice as consisting in the fairest or most reasonable balance of sacrifices.

4. Critical Well-being

In this and the next section I shall try to describe a particular version of the theory that makes justice a condition and not just a component of well-being.[2] I call this version the *parameter* thesis. It assumes that someone's well-being must be judged in terms of how adequately that person has responded to the challenges and constraints of his culture and circumstance, and insists that these constraints include parameters of fairness and justice. I realize how mysterious that sounds, but I can make it seem less so only with the help of a distinction I must first explain.

This is the important distinction between two senses or concepts of well-being: *volitional* and *critical*. Someone's volitional well-being is improved, and just for that reason, when he has or achieves whatever in fact he wants. His critical well-being, on the other hand, is improved by his having or achieving what he *should* want, that is, the achievements or experiences that it would make his life a worse one *not* to want. Travelling to exotic places, eating delicious meals, and sailing well are

all, as it happens, part of my own volitional well-being: I want all these, and my life therefore goes better, in the volitional sense, when I have them. But I also want other things, and in a different way, I want to have close relationships with my family, to do good work at my job, and to have some scant knowledge of the most important scientific theories and developments of my time. I take a different view of the importance of wanting and having this second group of experiences and achievements. I think that my life would not just be less pleasant but a poorer life—that it would be wasted in some way—if I did not achieve them, and that it would be worse still if I did not even want them.

That is not true of the first group—the interests I called volitional. My life is not a worse life to have lived—I have nothing to take shame in—just because I have not eaten as many good meals as I would have enjoyed eating. And though I would like to sail well, and am disappointed because I cannot, I do not think that my life would be a worse one if I had never conceived that desire. It is important for me to sail well because I want to sail well, not vice versa. All this is reversed, however, when I consider the importance of being close to my children. I do think my life would have been worse had I never understood the importance of this, if I had not suffered pain at estrangement. Having a close relationship with my children is not important just because I happen to want it; on the contrary, I want it because I believe a life without such relationships is a worse one.

I must not exaggerate the distinction: the two kinds of interests are interconnected in various ways. Critical interests normally track volitional ones. Once I have embraced some desire—to sail well—it is normally in my critical interest to succeed, not because sailing well is critically important but because a fair measure of success in what I happen to want is. And volitional interest normally tracks critical interest: people generally want what they think it is in their critical interests to have. If they think it in their critical interest to have close relationships with their children, they will want to do so. But that is not inevitably the case. At least part of the complex problem philosophers call *akrasia* arises because people do not actually want what they believe it in their critical interest to have. So I may think that my life would be a better life, in the critical sense, if I worked less and spent more time with my family, and yet I find that I actually don't want to, or don't want to enough.[3]

The parameter view I started to describe could not be thought, at least for most people, now, a plausible account of well-being in the volitional sense. Given what most Americans now want, it would be silly

to deny that even the rich could do better, in getting what they want, with even more money. But it is not so obviously silly to think that most Americans could lead better lives in the critical sense if they lived in a more just society, and that is what the parameter thesis claims.

5. The Character of Living Well

I shall assume, then, that people have critical interests. There are better and worse ways for us to lead our lives, and that doesn't mean just that some ways of living would give us more enjoyment or pleasure or less suffering. But then what *does* it mean? In what way, other than in being enjoyable, *can* one's life be a better life to lead? These are the questions of philosophical ethics, and it is hard to get a grip on them. Perhaps we can do so only through analogies, that is, by trying to understand the value of a good life as having the same structure as some other kind of thing we believe to be valuable. With that hope, I begin by offering a very short catalogue of ways we might think about good lives.

I begin with an analogy to instrumental value. We value many things for their consequences, for their role in producing something else we value in a less instrumental way. So we might say that a particular life is a good one if it has a good impact on the rest of the world, if it makes the world a better place of its having been lived. It is easy to say, on this *impact* model, that Mozart's life, in spite of his hardships and his early death, was a marvelous life because his music is so wonderful. We might say the same about Martin Luther King's life, or that of Louis Pasteur.

We might prefer, however, a second analogy, which offers a *container* model of critical well-being. Some things, like museums, are valuable because they are places where valuable things are collected and arranged together. So we might think that a good life is a life that has good things in it. We might agree, to a considerable extent, on a shopping list of good things: friendships, achievement, pleasure, satisfaction, aesthetic sensibility, travel, diversity, knowledge, and so forth. These are all things many people not only want but believe they should want, and we might therefore think that a life is a good one if it contains these and other good things.

In a set of lectures I mentioned in a footnote above, I suggested that neither of these two analogies or models can in the end capture the most important part of the ethical experience of most people.[4] I argued for a third model, a third account of the character of the value that a good life has, which I call the *response* account. On this view, a life is a good one in virtue of being an appropriate response to the opportunities and

challenges provided by the circumstances in which it is lived. I can offer you two more specific analogies in clarification of that idea; each of these is somewhat misleading, but I hope the pair will give you some better idea of what I mean.

Consider first the value of a brilliant athletic performance: a brilliant dive, a brilliant race, a brilliant catch. The brilliance of each lies in large part in its being a superb response to very specific circumstances. The brilliant race is run over the right distance and in the right way, that is, conformably with the rules. There is no such thing, one might say, as a brilliant athletic performance in the *abstract.* It is only so considered as response to a challenge offered by the rules and other features of the actual situation. Now consider the value of a great artistic performance. If you think, as I do, that there is no such thing as a masterly artistic performance in the abstract either, then you think that what makes a particular painting, painted at a particular time, a great work of art lies in its success judged as a response to the artistic tradition against which and within which it was painted, and to other features of the social or political environment. Art is in that way indexed to culture and circumstance: we value it as a response to a particular challenge presented by a tradition. The response model of a good life is structurally similar to these conceptions of athletic and artistic value. Like athletics and art, living well cannot be defined in the abstract. There is no such thing as *just* living well: people live well by making the appropriate response to their physical powers and circumstances, to their expected life span, to their culture and the expectations of their society, and to the economy of supply and demand in which they find themselves.

If we saw ethics mainly from the perspective of the impact analogy, we would think the parameter view about the connection between ethics and politics plainly wrong. Many people have had great impact on the world with scanty resources. But in general the more wealth one has the more impact one can have in any chosen direction, and the impact one can have, with any particular degree of wealth, is largely independent of the justice of the system under which that wealth was acquired. We would also reject the parameter view if we saw ethics mainly from the perspective of the container analogy. We might well regard living in a just society as one of the good things a life might contain. But we would have no reason to think that the other good things a life contained were diminished or compromised if it did not contain that one. If we are drawn, either self-consciously or unreflectively, to either of these views of

what living well is really like, then it is hardly likely that we would find the parameter thesis I described very plausible.

But that thesis does not seem implausible from the perspective of the response analogy; on the contrary it seems, at least in prinicple, irresistible. For it is natural to treat the economic circumstances in which we live as part of the challenge we face in trying to live well, and it is also natural to think that it is part of the challenge these circumstances offer that we should take no more resources for our own use than our fair share, and that we should form and maintain the kinds of relationships with others that are appfopriate and possible only in circumstances free of justified resentment. If living well means responding in an appropriate way to our circumstances, then in prinicple we cannot improve our life by capitalizing on more resources then we are entitled to have, any more than an athlete really improves his performance by cheating or taking banned steroids. In each case, if it is the performance that we value, then we must test performance by asking how far it responds to the right challenge properly identified. If we think that an equal distribution is just, then we will not think that people who live in an egalitarian society, and have no more by way of resource or experience than is possible in such a society, are thereby making a sacrifice. An athlete does not sacrifice by observing the rules: on the contrary it is observing the rules that makes a distinguished performance possible.

The parameter thesis is less sweeping than the full platonic thesis I mentioned earlier. It does not deny that some few people can achieve enough in an unjust society to make their lives, even from the point of view of the response analogy, better than they could have had under liberal equality. We cannot be confident that Michelangelo's life would have been as great as it was if he had been born into a society without great privilege. Nevertheless, if we suppose that living well is responding well, and that justice is one of the parameters a good response must in principle respect, then it will be true for most people that they cannot lead better lives in an unjust society than in a just one, even though they would have more money in the former. Very few people can achieve so transcendentally much with money they ought not to have that their achievements can outweigh the fact that they have been, as it were, cheating.

Of course I realize that these points must seem to many of you (to put it kindly) balmy. Perhaps your skepticism means that you actually reject the response view of living well. And yet that view seems at least as plausible as, and matches our convictions about living well better than, either the impact or the container views. There is another possibility:

that we have not yet begun to think properly about what living well is like, or about the implications of the right account of living well for political philosophy.

6. Justice and Sacrifice

I now begin the return trip described in that last phrase, from ethics back to politics. I said earlier that if we adopted the parameter view, or any other that made justice a background condition affecting well-being, we would have to abandon the comparative-sacrifice structure for thinking about social justice, and I shall now review the reasons why. Suppose I adopt the parameter view, and am then asked—or ask myself—how great a sacrifice I would be making were the United States or Britain to redistribute wealth in accordance with some specified egalitarian program. Assume that I can make at least rough calculations about how much less income I would then have, and even (though this would be more problematic yet) what sort of housing, medical care, recreation and other resources I could buy with that income. I might perhaps be able to predict, knowing myself as I do, roughly how much I would enjoy the life I could lead, if my tastes and opinions did not change, and whether I would enjoy it much less than the life I now lead.

All these predictions and surmises fall short, however, of a judgment about how good a life I would then be leading, in the critical sense, and that is what I must be able to judge, at least in rough measure, in order to know how much, if any, of a sacrifice would be involved. If I thought that the critical success of my own life depended in substantial part on my living in and responding to the right circumstances, then I could not even roughly judge how well my life would go in a more egalitarian society without having *already* decided whether such a society would be more or less just than the circumstances in which I now live. I could not, that is, assess the justice of any proposed redistribution by comparing the sacrifice I would make if that redistribution were carried out with the losses others incur if the status quo is preserved, because I would have had to have made up my mind about the justice of the redistribution in order to gauge whether I would make any sacrifice at all if it were carried out. Nor can I prescind from justice by considering how great a sacrifice I would have made in other respects, that is, in elements of well-being apart from justice. That way of thinking is available when I treat justice as a component of well-being, but not when I treat it as a condition.

Colleagues have suggested an objection to that claim, however. Even if we do accept that justice is a condition of well-being, they say, we can

still use the comparative-sacrifice strategy if we treat the comparative judgments it requires as in some way hypothetical. First, we identify all feasible distributions, and we decide how well each group fares in each distribution *on the assumption* that that distribution is just. In that way we can calculate roughly how much each group sacrifices or gains under that distribution compared with each of the other feasible distributions judged in the same way, that is, on the assumption that it too is just. Second, once that information is in hand, we can ask under which distribution the sacrifices so calculated are most reasonable, taking into account the maximal sacrifice demanded in each, the overall level of welfare of people making the sacrifice after it has been made, the numbers asked to sacrifice, and so forth. Third, we select the distribution in which the sacrifices are overall most reasonable as the distribution that is *really* just. Finally, we count ourselves better off in that distribution, just because it is just, than in any of the others.

Notice how the assumption this argument requires differs from a different and perfectly sensible assumption we might call the prosperity hypothesis: that people are better off in a just society in which they have more than in another one, also just, in which they have less. The prosperity hypothesis is necessary to show why people who accept that justice is a condition of well-being nevertheless have an incentive toward economic progress. Suppose justice consists in equality of resources. Everyone is better off, even in the critical sense, in a society meeting that condition in which there is overall more wealth than in a different society also meeting the condition in which everyone has less. That judgment involves a comparison of two different communities—perhaps the same community at two different times—which differ in total resources, or in some other way such that people's holdings can be different in each and yet just in both.

The argument my colleagues propose requires a very different assumption, however: that each of two very different distributions of the same resources of the same society can be thought to be just at the same time. That seems wrong. Justice supervenes on other facts: we cannot think that a distribution is just without thinking it is just for some reason, and this will be a reason why any very different feasible distribution is unjust. If a distribution in which people have roughly equal wealth is feasible, for example, and if that is what justice really requires, then a distribution in which wealth is distributed very unequally must be unjust. And *vice versa.* There is another fatal difficulty in the suggested procedure, moreover. It is self-defeating, because it supposes that we can sensibly assume that a particular distribution is

just without *thereby* making any assumption about the reasonableness of the sacrifices it demands. If we can, then justice does not depend on the reasonableness of sacrifice after all, and it would be a mistake to correct prior ascriptions about justice or injustice once information about comparative sacrifices is available. Suppose, for example, that the distribution in which some are rich and others poor is the consequence of free and authentic decisions by some to play while others work. If we assume, even hypothetically, that this distribution is a just one for that reason, we cannot then argue that it is unjust after all, on a second look, because the other distribution would not require as great an imbalance between holdings provided only that it, too, were just.

So it seems that we really would have to abandon comparative-sacrifice arguments about justice if we took up the parameter view of ethics, or any other view that makes justice a background condition of well-being. That would undercut, as I said earlier, some of the most familiar arguments for inequality. I mentioned one very popular argument for inequality earlier: that an economic scheme which allows rich people to keep the full profits of their investments is in the interests of nearly everyone, in the end, because better-off people will have an incentive to work and invest more under such a scheme. This argument would be ruled out if we agreed that most people can lead better lives under circumstances of justice than otherwise. It cannot then be an argument for the justice of some scheme that a community run on that scheme will have more aggregate resources; that would beg the question whether having more is actually in the interests of those who will have more. No doubt a just economic scheme would produce more resources for some section of the community than would any alternative scheme. Perhaps a just scheme would produce more resources for most people. But if we accept the parameter view we cannot argue that a scheme is just *because* it has those consequences, since they are not consequences we can approve, as even in the interests of those who will have more, unless we have some other reason for thinking the arrangement that produces them a just one.

We can generalize. *Any* scheme that tests the justice of an economic arrangement by measuring the welfare improvements and losses to particular groups in moving to that arrangement presupposes a comparative-sacrifice strategy and therefore rejects the parameter view of ethics. I believe, as I suggested earlier, that liberalism has more to gain than to lose from abandoning the comparative-sacrifice strategy. I will not pursue that theme this late in the lecture, however, but rather close by returning to the larger question of the connection between ethics and

political philosophy. Many of the most prominent liberal philosophers insist that political philosophy should be independent of any comprehensive ethical positions. If my argument is right, their own theories are not fully neutral because, in different ways, they all depend on assuming that justice is at most a component of well-being rather than a condition of some kind. Those of you who remain convinced that the parameter view, and the response view of ethics from which it is drawn, are very implausible will not count that as either a problem or a serious violation of neutrality. But I hope I have provided reasons, in this lecture, why liberals should hedge their bets. We need arguments for liberal equality that someone can accept who understands his critical interests at least partly through the response analogy, and so believes, on that ground, that the best life for him is one lived in a just community.

Notes

1. See the Tanner Lectures cited in note 2.

2. These sections summarize, qualify and develop longer arguments I first presented in a set of Tanner lectures now published, as *The Foundations of Liberal Equality,* in the Tanner Foundation series, Volume XI. Those lectures and this one are part of a series of articles on liberal equality I hope to revise for a book on that subject. See *What Is Equality? Parts 1 and 2,* Philosophy and Public Affairs, Spring, Summer 1981; *Part 3,* 73 Iowa Law Journal (July 1988); *Part 4,* 22 San Francisco Law Review (1987); *Liberal Community,* California Law Review (1989); *Equality, Democracy and Constitution: We the People in Court,* 28 Alberta Law Review (1990). In the Tanner lectures I take up the question not treated here: how we might argue about justice in general, and for equality in particular, if we gave up the comparative-sacrifice schema.

3. One difference between the two kinds of interests is particularly important to the present argument. Critical interest has an objective dimension that volitional interest does not: people can be wrong, very much wrong, about where their critical interests lie, though not, at least in the same direct sense, about what it is that they actually want. Someone's discovery, toward the end, that a life he had thought full of excitement and enjoyment has in fact been wasted is a common enough tragedy, not only in literature but in real life as well. And of course someone might make a mistake of that kind that he never discovers. So it is not a decisive argument, against the parameter view I am trying to defend, that very few people think they could ever be better off with less resources. Most people could all be making a serious mistake.

4. See Footnote 2.

The following lectures have been published in individual pamphlet form and may be obtained from the Department at a price of one dollar and fifty cents each.

*1961. "The Idea of Man—An Outline of Philosophical Anthropology."
By José Ferrater Mora, Professor of Philosophy, Bryn Mawr College.

1962. "Changes in Events and Changes in Things."
By A. N. Prior, Professor of Philosophy, University of Manchester.

*†1963. "Moral Philosophy and the Analysis of Language."
By Richard B. Brandt, Professor of Philosophy, Swarthmore College.

*†1964. "Human Freedom and the Self."
By Roderick M. Chisholm, Professor of Philosophy, Brown University.

†1965. "Freedom of Mind."
By Stuart Hampshire, Professor of Philosophy, Princeton University.

*†1966. "Some Beliefs about Justice."
By William K. Frankena, Professor of Philosophy, University of Michigan.

†1967. "Form and Content in Ethical Theory."
By Wilfrid Sellars, Professor of Philosophy, University of Pittsburgh.

†1968. "The Systematic Unity of Value."
By J. N. Findlay, Clark Professor of Philosophy, Yale University.

1969. "Buber and Buberism—A Critical Evaluation."
By Paul Edwards, Professor of Philosophy, Brooklyn College of the City University of New York.

1971. "What Actually Happened."
By P. H. Nowell-Smith, Professor of Philosophy, York University.

†1972. "Moral Rationality."
By Alan Gewirth, Professor of Philosophy, University of Chicago.

†1973. "Reflections on Evil."
By Albert Hofstadter, Professor of Philosophy, University of California, Santa Cruz.

††1974. "What is Dialectical?"
By Paul Ricoeur, Professor of Philosophy, University of Paris and University of Chicago.

††1975. "Some Confusions About Subjectivity."
By R. M. Hare, White's Professor of Moral Philosophy at Oxford University and Fellow of Corpus Christi College.

1976. "Self-Defense and Rights."
By Judith Jarvis Thomson, Professor of Philosophy, Massachusetts Institute of Technology.

1977. "What is Humanism?"
By Georg Henrik von Wright, Research Professor of Philosophy, The Academy of Finland.

1978. "Moral Relativism."
By Philippa Foot, Senior Research Fellow, Somerville College, Oxford; and Professor of Philosophy, University of California, Los Angeles.

1979. "The Idea of the Obscene."
By Joel Feinberg, Professor of Philosophy, University of Arizona.

(continued, back cover)

*Pamphlet out of print.
†Reprinted in *Freedom and Morality.*
††Printed only in *Freedom and Morlaity.*

1980. "Goods Beyond Price and Other Apparent Anachronisms."
By Warner Wick, Professor of Philosophy, University of Chicago.
1981. "Morality, Property and Slavery."
By Alan Donagan, Professor of Philosophy, University of Chicago.
1982. "Expressing Evaluations."
By Donald Davidson, Professor of Philosophy, University of California, Berkeley.
1983. "How Not to Solve Ethical Problems."
By Hilary Putnam, Professor of Philosophy, Harvard University.
1984. "Is Patriotism a Virtue?"
By Alasdair MacIntyre, W. Alton Jones Professor of Philosophy, Vanderbilt University.
1985. "How Free Does the Will Need to Be?"
By Bernard Williams, Provost of King's College Cambridge.
1986. "Moral Agent and Impartial Spectator."
By Gilbert Harman, Professor of Philosophy, Princeton University.
1987. "Projection and Truth in Ethics."
By John McDowell, Professor of Philosophy, University of Pittsburgh.
1988. "The Politics of Imagination."
By Arthur Danto, Professor of Philosophy, Columbia University.
1989. "Constituting Democracy."
By David Gauthier, Distinguished Service Professor of Philosophy, University of Pittsburgh.